

## Message Text

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ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 DLOS-06 AF-10 ARA-16 EA-11

NEA-10 RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-04 PRS-01

SPC-03 SS-20 USIA-15 ACDA-19 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

DRC-01 /255 W

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R 250629Z OCT 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 477

INFO AMEMBASSY LONDON

C O N F I D E N T I A L USUN 4186

E.O. 11652: GDS

TAGS: PBOR UN

SUBJ: LOS: CONSULTATION ON GENTLEMAN'S AGREEMENT

SUMMARY. LOS CONSULTATIVE GROUP MET 24 OCT AND CONSIDERED  
VARIOUS PROPOSALS TO CREATE SPECIFIC, ACCEPTABLE GENTLEMAN'S  
AGREEMENT IN CONNECTION WITH VOTING PROCEDURES AT LOS CONFERENCE.  
END SUMMARY.

1. CONSULTATIVE GROUP MET BRIEFLY MORNING 24 OCT AND CONSIDERED  
VARIOUS ALTERNATIVES FOR GENTLEMAN'S AGREEMENT. ONLY PROPOSAL  
BEING SERIOUSLY CONSIDERED IS CANADA'S WHICH HAS SUPPORT OF,  
I.A., KENYA, TANZANIA, SINGAPORE, INDIA AND MEXICO. PROPOSAL  
READS AS FOLLOWS:

BEARING IN MIND THAT THE PURPOSE OF THE CONF IS TO OBTAIN A  
CONVENTION ON LOS WITH THE WIDEST POSSIBLE ACCEPTANCE, THE  
GA EXPRESSES VIEW THAT CONF SHOULD MAKE EVERY EFFORT TO REACH  
AGREEMENT ON SUBSTANTIVE MATTERS BY CONSENSUS, AND THAT THERE  
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SHOULD BE NO VOTING ON SUCH MATTERS UNTIL ALL EFFORTS AT  
CONSENSUS HAVE BEEN EXHAUSTED.

2. IN LIGHT OF THIS DEVELOPMENT, GROUP OF FIVE MET AT UK MISSION

TO DISCUSS TACTICS. SOV (MOVCHAN) WILLING TO ACCEPT CANADIAN PROPOSAL PROVIDED US SENTENCE "IN EARLIER PROPOSAL" REFERRING TO CONF DECISIONS ONLY WITH FAVORABLE RECOMMENDATION OF GC REPRESENTING BROAD GENERAL AGREEMENT WITHIN THAT COMITE WAS ALSO ADDED. FRANCE (JEANNEL) INDICATED LUKEWARM ATTITUDE TOWARD GC FROM BEGINNING BUT SUGGESTED WORKING WITH CANADA PROPOSAL AND IMPROVE IT. AT START JEANNEL SUGGESTED ADDING A REFERENCE TO PARA 3 OF RES TO CANADIAN PROPOSAL SO IT STARTS: "BEARING IN MIND MANDATE OF CONF AS SET FORTH IN PARA 3...ETC." SINCE THIS REFERS TO CONSIDERING LOS PROBLEM AS WHOLE JEANNEL BELIEVES IT SERVES AS PRACTICAL GUARANTEE AGAINST FRAGMENT VOTING AND WOULD BE MORE EFFECTIVE THAN GC. JACKLING SUGGESTED ADDING PERUVIAN PROPOSAL MADE BY ARIAS-Scriber IN CONSULTATIVE GROUP IN MORNING WHICH WOULD CALL UPON INAUGURAL SESSION TO ESTABLISH MACHINERY TO IMPLEMENT PROVISIONS OF CANADIAN PROPOSAL. GROUP OF FIVE ARRIVED AT FOLLOWING VERSION:

BEARING IN MIND THAT THE PURPOSE OF THE CONFERENCE SET FORTH IN PARAGRAPH 3 OF THE RESOLUTION IS TO OBTAIN A CONVENTION ON THE LAW OF THE SEA WITH THE WIDEST POSSIBLE ACCEPTANCE, THE GENERAL ASSEMBLY CONSIDERS THAT THE CONFERENCE SHOULD MAKE EVERY EFFORT TO REACH AGREEMENT ON SUBSTANTIVE MATTERS BY CONSENSUS, THAT THERE SHOULD BE NO VOTING ON SUCH MATTERS UNTIL THERE IS BROAD GENERAL AGREEMENT THAT ALL EFFORTS AT CONSENSUS HAVE BEEN EXHAUSTED AND THAT THE CONFERENCE AT THE INAUGURAL SESSION WILL MAKE PROPER PROCEDURAL PROVISION TO THIS END.

3. JACKLING (UK) INDICATED HE HAD INSTRUCTIONS TO VOTE FOR RES AS IT NOW STANDS AND WOULD HAVE TO SEEK INSTRUCTIONS ON ANY ABSTENTION SINCE IT WOULD RUN CONTRARY TO DOMESTIC PRESSURE. NEVERTHELESS, IF ABOVE PROPOSAL WERE REJECTED AND GROUP OF FIVE DECIDED TO ACT TOGETHER, HE WOULD SEEK CHANGE IN INSTRUCTIONS. JEANNEL INDICATED HIS POSITION WOULD MOST LIKELY BE ABSTENTION ON RES IF ABOVE PROPOSAL WERE REJECTED. MOVCHAN URGED GROUP TAKE COMMON POSITION AND WHILE NOTING HE HAD STRICT INSTRUCTIONS TO PRESS FOR GC HE WOULD TAKE IT UPON HIMSELF TO VOTE FOR RES  
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IF THIS AMENDED VERSION WAS ACCEPTED. STEVENSON NOTED PROPOSAL WOULD BE REPORTED TO WASHINGTON. HE ADVISED GROUP OF FIVE THAT WITHOUT SATISFACTORY REFERENCE TO GC, US MIGHT NOT VOTE FOR RES EVEN IF ABOVE PROPOSAL INCLUDED. JAPAN (OGISO) INDICATED GENERAL WILLINGNESS TO GO ALONG WITH CANADIAN PROPOSAL AS AMENDED BY FIVE.

4. CONSULTATIVE GROUP MET IN AFTERNOON SESSION AND STEVENSON REQUESTED CHAIRMAN TO DELAY VOTE ON RES TO ALLOW DELS TO CONSULT WITH GOVTS. AMERASINGHE NOTED GREAT MAJORITY OF DELS WANT VOTE ON 25 OCT. (NOTE: BECAUSE FINANCIAL IMPLICATIONS MUST BE CONSIDERED, NO VOTE SCHEDULED BEFORE FRIDAY, 26 OCT).

5. JACKLING NOTED CANADA DRAFT WAS ATTEMPT AT COMPROMISE BUT

FELL SHORT. HE THEN SUGGESTED CHANGES ABOVE ATTRIBUTING TO PERU THE CREDIT FOR CALL FOR PROPER PROCEDURAL PROVISION. MEXICO (CASTANEDA) OPPOSED CHANGES STATING PROVISION ON BROAD GENERAL AGREEMENT WAS DOUBLE VETO BY PLACING CONSENSUS ON CONSENSUS; PROVISION ON CREATING PROCEDURAL PROVISION WAS SPECIFIC THAT SHOULD BE LEFT TO INAUGURAL SESSION; AND REFERENCE TO PARA 3, WHILE LESS OBJECTIONABLE IS NOT ESSENTIAL. THAILAND, PAKISTAN, PHILIPPINES, AND INDIA SUPPORTED MEXICO. FRANCE, JAPAN, POLAND, PERU AND SOVS SUPPORTED UK. SOVS ANNOUNCED UK PROPOSAL AS COMPROMISE POSITION NOT ENTIRELY SATISFACTORY TO HIS DEL BUT WITHOUT IT SOVS WOULD QUESTION ACCEPTABILITY OF RES.

6. US (STEVENSON) NOTED HOPE THIS RES COULD BE ACCEPTED BY CONSENSUS AS WAS CASE LAST YEAR INDICATING WILLINGNESS TO WORK TOWARD BROAD ACCEPTABLE AGREEMENT. STEVENSON NOTED CANADIAN PROPOSAL AS AMENDED BY UK WAS ATTEMPT TO BRIDGE GAP BETWEEN US AND OTHERS. HE REVIEWED US SUPPORT FOR ROLE FOR GC IN LAW MAKING PROCESS AND NOTED ISSUE AT STAKE WAS NOT JUST PROCEDURAL BUT WENT TO HEART OF LAW MAKING AND ACHIEVING ACCEPTABLE AGREEMENT. STEVENSON COUNTERED CASTANEDA'S ARGUMENTS NOTING THERE IS NO ATTEMPT TO GET DOUBLE CONSENSUS SINCE BROAD GENERAL AGREEMENT IS NOT CONSENSUS. FURTHER, FOR THESE CRITICAL DECISIONS BROAD AGREEMENT IS BOTH APPROPRIATE AND NECESSARY. CONCERNING PERUVIAN ADDITION, STEVENSON NOTED THIS DID NOT PRE-EMPT ROLE OF CONF WHICH HAD TO ADDRESS ITSELF TO THIS QUESTION. HE POINTED OUT RISK IF THIS PROVISION WAS NOT INCLUDED SINCE GENTLEMAN'S AGREEMENT WITHOUT IT MIGHT BE LATER CONSIDERED TO BE SUFFICIENT AND EXCLUDE ANY FURTHER PROCEDURES SUCH AS GC CONFIDENTIAL

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OR MEXICO'S SUGGESTED TIME DELAYS.

7. CHAIRMAN OPINED AT END OF SESSION THAT MAJORITY AS REFLECTED FROM REGIONAL GROUP MEETINGS BELIEVED CANADIAN PROPOSAL WAS AS FAR AS THEY WOULD GO. JACKLING TOLD STEVENSON LATER UK COULD ACCEPT RES WITH ONLY CANADIAN PROPOSAL INCLUDED AND MOVCHAN SAID SOVS WOULD ACCEPT CANADIAN PROPOSAL WITH PERUVIAN ADDITION SINCE IT PRESERVED THEIR RIGHT TO CREATE ACCEPTABLE PROCEDURE AT CONF.

8. GROUP OF FIVE WILL MEET AT USUN AT 9:00AM 25 OCT AND CONSULTATIVE GROUP AT 9:30 AM AT UN. LOS RES WILL BE FORMALLY SUBMITTED IN COMITE I WHEN IT RESUMES CONSIDERATION OF ITEM AT 10:30 AM AND 3:00 PM OCT 25.

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